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8

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 DEBORAH MARIE PIERCE  
35751 Gateway Drive, #L1221  
14 Palm Desert, CA 92211

15 Registered Nurse License No. 407622

16 Respondent.  
17

Case No. 2008-265

**DEFAULT DECISION  
AND ORDER**

[Gov. Code §11520]

18 **FINDINGS OF FACT**

19 1. On or about March 18, 2008, Complainant Ruth Ann Terry, M.P.H., R.N.,  
20 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs, filed Accusation No. 2008-265 against Deborah Marie Pierce  
22 ("Respondent"), before the Board of Registered Nursing.

23 2. On or about December 31, 1986, the Board of Registered Nursing  
24 ("Board") issued Registered Nurse License Number 407622 to Respondent. Respondent's  
25 registered nurse license will expire on July 31, 2010, unless renewed.

26 3. On or about August 18, 2008, Carol Sekara, an employee of the Office of  
27 the Attorney General, served by Certified and First Class Mail a copy of the Accusation No.  
28 2008-265, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
2 which was and is 35751 Gateway Drive, #L1221, Palm Desert, CA 92211. A copy of the  
3 Accusation and the related documents are attached as exhibit A and are incorporated herein by  
4 reference.

5 4. Service of the Accusation was effective as a matter of law under the  
6 provisions of Government Code section 11505, subdivision (c).

7 5. Business and Professions Code section 118 states, in pertinent part:

8 (b) The suspension, expiration, or forfeiture by operation of law of a  
9 license issued by a board in the department, or its suspension, forfeiture, or  
10 cancellation by order of the board or by order of a court of law, or its surrender  
11 without the written consent of the board, shall not, during any period in which it  
12 may be renewed, restored, reissued, or reinstated, deprive the board of its  
authority to institute or continue a disciplinary proceeding against the licensee  
upon any ground provided by law or to enter an order suspending or revoking the  
license or otherwise taking disciplinary action against the license on any such  
ground.

13 6. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the  
15 respondent files a notice of defense, and the notice shall be deemed a specific  
16 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
of defense shall constitute a waiver of respondent's right to a hearing, but the  
agency in its discretion may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service  
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
19 Accusation No. 2008-265.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at  
22 the hearing, the agency may take action based upon the respondent's express  
23 admissions or upon other evidence and affidavits may be used as evidence without  
any notice to respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board  
25 finds Respondent is in default. The Board will take action without further hearing and, based on  
26 Respondent's express admissions by way of default and the evidence before it, contained in  
27 exhibit A, finds that the allegations in Accusation No. 2008-265 are true.

28 ///

10. The total costs for investigation and enforcement are \$454.50 as of October 15, 2008, as evidenced by attached exhibit B.

**DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Deborah Marie Pierce has subjected her Registered Nurse License Number 407622 to discipline.

2. A copy of the Accusation and the related documents are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violation alleged in the Accusation: Business and Professions Code section 2761, subdivision (a)(4) (disciplinary action by the Arizona State Board of Nursing).

**ORDER**

IT IS SO ORDERED that Registered Nurse License Number 407622, heretofore issued to Respondent Deborah Marie Pierce, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 7, 2009.

It is so ORDERED April 7, 2009

*Suzanne Phillips MSN RN FAAP BC*  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

Attachments:

Exhibit A: Accusation No. 2008-265 and Related Documents

Exhibit B: Proof of Costs

DOJ docket number: 03579110-SA2007103432

Pierce, Deborah Marie.def.wpd

Exhibit A

Accusation No. 2008-265 and Related Documents

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART, State Bar No. 83047  
Supervising Deputy Attorney General  
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P.O. Box 944255  
4 Sacramento, CA 94244-2550  
Telephone: (916) 327-6819  
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6 Attorneys for Complainant

7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2008-205

12 DEBORAH MARIE PIERCE  
8701 East Tanque Verde Road, #54  
Tucson, AZ 85749

**A C C U S A T I O N**

13 Registered Nurse License No. 407622

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
20 ("Board"), Department of Consumer Affairs.

21 2. On or about December 31, 1986, the Board issued Registered Nurse  
22 License Number 407622 to Deborah Marie Pierce ("Respondent"). Respondent's registered  
23 nurse license will expire on July 31, 2008, unless renewed.

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## STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761, subdivision (a)(4), states that the Board may take disciplinary action against a certified or licensed nurse for unprofessional conduct, which includes, but is not limited to, denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

### Cost Recovery

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## CAUSE FOR DISCIPLINE

### **(Disciplinary Action by the Arizona State Board of Nursing)**

7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct. On or about March 6, 2007, pursuant to Consent Agreement and Order No. 0605039 entered into between Respondent and the Arizona State Board of Nursing ("Arizona Board"), in the disciplinary proceeding titled *In the*


1 *Matter of Professional Nurse License No.: RN136819 Issued to: Deborah Marie Pierce,*  
2 Respondent was placed on probation for a period of 24 months on terms and conditions. A true  
3 and correct copy of the Consent Agreement and Order is attached as exhibit "A" and incorporated  
4 herein by reference.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 407622, issued  
9 to Deborah Marie Pierce;
- 10 2. Ordering Deborah Marie Pierce to pay the Board of Registered Nursing the  
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
12 Professions Code section 125.3; and
- 13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: 3/18/08  
15

16   
17 RUTH ANN TERRY, M.P.H., R.N.  
18 Executive Officer  
19 Board of Registered Nursing  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant  
23  
24  
25  
26

# EXHIBIT A

Arizona State Board of Nursing  
Consent Agreement and Order



Janet Napolitano  
Governor



Joey Ridenour  
Executive Director

*Arizona State Board of Nursing*

4747 North 7<sup>th</sup> Street, Suite 200  
Phoenix AZ 85014-3653  
Phone (602) 889-5150 Fax (602) 889-5155  
E-Mail: [arizona@azbn.org](mailto:arizona@azbn.org)  
Home Page: <http://www.azbn.org>

**AFFIDAVIT OF CUSTODIAN OF RECORDS**

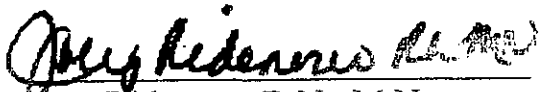
STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **DEBORAH MARIE PIERCE**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85020 on March 16, 2007.

SEAL

  
Joey Ridenour, R.N., M.N.  
Executive Director

**BEFORE THE ARIZONA STATE BOARD OF NURSING**

IN THE MATTER OF PROFESSIONAL )  
NURSE LICENSE NO.: RN136819 )  
ISSUED TO: )

**CONSENT AGREEMENT  
AND  
ORDER NO. 0605039**

DEBORAH MARIE PIERCE )  
RESPONDENT )

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**CONSENT AGREEMENT**

A complaint charging Deborah Marie Pierce ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07(F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Deborah Pierce ("Respondent") holds Board issued professional nurse license no. RN136819.

2. The Board has authority pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664 to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667.

3. On May 17, 2006, Respondent submitted a pre-employment drug screen at Tucson Medical Center. The drug screen was positive for alcohol (0.058% BY GC/FID).

4. From July 2006 through September 28, 2006, Respondent was employed at Northwest Medical Center ("NWMC"), Oro Valley.

5. Elizabeth Maish, Director of Nursing at NWMC, Oro Valley, reported that

Respondent had been hired in error. She reported that Respondent's performance during her two months orientation/employment was below nursing standards. Respondent's performance was so poor that Maish questioned whether Respondent was really a nurse.

6. On September 28, 2006, Respondent received verbal counseling and a written warning for not using common sense; not being focused on the sterile field and team; not being computer skilled; and not being able to multitask.

7. Maish reported that she had received complaints from thirteen nursing staff and fourteen physicians who have worked with Respondent expressing serious and significant behavior and patient care concerns.

8. During the disciplinary meeting on September 28, 2006, Maish reported that Respondent appeared distracted and responded to practice concerns with questions about vacation eligibility.

9. Carol Martin, RN, OR Director, St. Joseph's Hospital, Tucson, Arizona reported that Respondent had been terminated within her first 90 days for gross performance deficiencies.

10. Susie Warner, RN, OR Director, Sharp Grossmont Hospital, La Mesa, CA reported that Respondent had been terminated in lieu of termination and was not eligible for rehire. Warner stated that Respondent's performance was "low to average" and that she had been terminated for attendance issues.

11. On or about November 20, 2006, Respondent was evaluated for chemical dependency by Jacquelyn St. Germaine, Ph.D. Dr. St. Germaine recommended that Respondent undergo a neurological evaluation, and, if recommended, an audiology evaluation. The recommendations included abstention from alcohol with periodic screenings and close supervision of her work performance with monitoring.

### CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663 (D) as defined in § 32-1601(d) and (j), and A.A.C. R4-19-403(B) (1), (18) and (31).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 20 of this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature.

Once signed by the Respondent, the agreement cannot be withdrawn without the Board's approval or by stipulation between the Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

Deborah J. Pierce  
Respondent

Dated: 3/6/07

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N.  
Joey Ridenour, R.N., M.N.  
Executive Director

Dated: January 25, 2007

WIGGIN/RN136819/PIERCE

### ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

A. Respondent's consent to the terms and conditions of the Order and waiver of public hearing is accepted.

B. Respondent's license is placed on probation for twenty four (24) months. Prior to termination of probation, Respondent shall work as a professional nurse for a minimum of twenty four months (not less than sixteen hours a week).

C. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent agreement is signed on different dates, the later is the effective date. Probation is to commence the effective date of this Order.

D. If Respondent is noncompliant with any of the terms of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.

E. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a period of five years. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

F. Probation is subject to the following terms and conditions:

#### **TERMS OF PROBATION**

##### **1. Stamping of License**

Within seven days of the effective date of this Order, Respondent shall submit her license to be stamped "**PROBATION.**" While this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "probation." Respondent is not eligible for a multistate "Compact" license.

##### **2. Neurological Evaluation**

Within 30 days of the effective date of the Order Respondent shall make an appointment to undergo a neurological evaluation by a Board-approved neurologist to be completed within sixty days of the effective date of the Order. Respondent shall execute the appropriate release of information form(s) to allow the evaluator to communicate information to the Board or its designee. Respondent shall also execute a release of information form to allow the Board Monitoring Consultant to release a copy of any and all medical records in the Board's possession to the evaluator. Prior to the evaluation, Respondent shall furnish a copy of this Consent Agreement and Order to include Findings of Fact, Conclusions of Law, and Order to the evaluator who shall verify receipt of the Consent Agreement and Order to include Findings of

Fact in a written report on letterhead to the Board. Respondent shall direct the evaluator to provide a report to the Board summarizing the evaluation within thirty days after the evaluation is completed.

The report shall include a history and physical, relevant laboratory data if appropriate, neurological testing if appropriate, recommendations for treatment, if any, and an assessment as to Respondent's ability to function safely in nursing. The report should also include whether an audiology evaluation is appropriate

If it is recommended that Respondent undergo medical treatment and/or psychological therapy or counseling, Respondent shall, within seven days of notification of the recommendation(s), provide to the Board or its designee for prior approval, the name and qualifications of treatment professional(s) with appropriate level of expertise of Respondent's choice. Upon approval of the treatment professional(s), Respondent shall provide a copy of the entire consent agreement which the treatment professional(s) shall verify in writing on letterhead in their first report to the Board. Respondent shall undergo and continue treatment until the treatment professional(s) determines and reports to the Board in writing and on letterhead, that treatment is no longer considered necessary. Respondent shall have the treatment professional(s) provide written reports to the Board every three (3) months. The Board reserves the right to amend this Order based on the evaluation results or the treatment professional's recommendations.

### 3. Audiology Evaluation

If recommended by the neurological evaluator, within 30 days of the Respondent being advised of the recommendation, Respondent shall make an appointment to undergo an audiology evaluation by a Board-approved neurologist to be completed within sixty days of the effective date of the Order. Respondent shall execute the appropriate release of

information form(s) to allow the evaluator to communicate information to the Board or its designee. Respondent shall also execute a release of information form to allow the Board Monitoring Consultant to release a copy of any and all medical records in the Board's possession to the evaluator. Prior to the evaluation, Respondent shall furnish a copy of this Consent Agreement and Order to include Findings of Fact, Conclusions of Law, and Order to the evaluator who shall verify receipt of the Consent Agreement and Order to include Findings of Fact in a written report on letterhead to the Board. Respondent shall direct the evaluator to provide a report to the Board summarizing the evaluation within thirty days after the evaluation is completed.

The report shall include a history and physical, relevant laboratory data if appropriate, neurological testing if appropriate, recommendations for treatment, if any, and an assessment as to Respondent's ability to function safely in nursing.

#### 4. Drug Testing

Within 7 days of the effective date of this Order, Respondent shall enroll in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of once per month and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as



indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any unauthorized drug shall result in immediate notification to Respondent's employer by the Board.

5. Abstain from Alcohol Use

Respondent shall completely abstain from the use of alcohol.

6. Abstain from Unauthorized Drug Use/Proof of Prescription

Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate his/her health care needs and to be aware of all prescriptions utilized. Within 7 days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent's history of substance use, awareness of Respondent's Consent Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of information form(s) as required by the Board or its designee so that Respondent's medical providers shall be able to communicate information with the Board. Prior to receiving treatment from any other medical provider(s), Respondent shall notify the medical provider(s) of Respondent's history of substance use and of the existence of the Order. DURING THE COURSE OF THE ORDER RESPONDENT SHALL

CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS OF RESPONDENT'S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a controlled substance, Respondent shall cause her prescribing provider to provide monthly reports to the Board regarding the continued need for the prescribed narcotic or mood-altering medications within 7 days of the 30<sup>th</sup> day of each month. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Such report from the provider shall be received by the Board within 14 days of the request. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee.

7. One Medical Provider

Within thirty days of the effective date of this Order, Respondent shall submit to the Board for approval the name of one treatment professional of /Respondent's choice to conduct medical treatment for Respondent. Within seven days of receipt of approval from the Board Respondent shall make an appointment to begin participation in treatment. Respondent shall immediately execute the appropriate release of information form(s) to allow the treating professional(s) to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of the entire Consent Agreement to all treating professional(s).

Within seven days of the beginning of treatment, Respondent shall cause any and all treating professional(s) to provide written verification of enrollment in treatment and verifying receipt of the consent agreement. Thereafter, Respondent shall cause any and all treating professional(s) to

provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the treating professional(s) notify the Board, in writing on letterhead, that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

8. Notification of Practice Settings

Any setting in which Respondent accepts employment, which requires RN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within seventy-two hours of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

9. Quarterly Reports

Within 7 days of each assigned quarterly reporting due date, if Respondent is working in any position which requires RN licensure Respondent shall cause every employer Respondent has worked for during the quarter to provide to the Board, in writing, employer evaluations on the Board-approved form. The first report is due on the first assigned quarterly report due date after the effective date of the Order. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action any of which pertain to patient care practice issues, or termination from a place of employment shall be

considered as noncompliance with the terms of the Order. In the event Respondent is not working in a position which required RN licensure, or attending school during any quarter or portion thereof, Respondent shall provide to the Board, in writing, a self-report describing other employment or activities on the Board-approved form. Failure to provide employer evaluations/or self-reports within 7 days of the reporting date shall be considered as noncompliance with the terms of the Order.

10. Practice Under Direct Supervision

Respondent shall practice as a professional nurse or in a student nurse capacity, only under the direct supervision of a professional nurse in good standing with the Board. Direct supervision is defined as having a professional nurse present on the same unit with the Respondent when ever Respondent is practicing as a professional/practical/student nurse. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

11. Acceptable Hours of Work

Respondent shall work only the day or evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3 consecutive 12-hour shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

12. Registry Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

13. Out-of-State Practice/Residence

Respondent may complete her probation in Virginia only with the prior written approval of the licensing Board in the state in which she intends to be employed. Documentation of that approval, on Board letterhead, must be received prior to commencing probationary employment in that state. Before any other out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.

14. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within 10 days of the Board's written request.

If Respondent fails to execute the releases, her license shall be reviewed by the Board for consideration of possible further discipline on Respondent's license.

15. Interview With the Board or Its Designee

Respondent shall appear in person or if residing out of state telephonically for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

16. Renewal of License

In the event the Respondent's professional nurse license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice nursing in Arizona.

17. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within one week of any change in nursing employment, personal address or telephone number.

18. Obey All Laws

Respondent shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Respondent to further disciplinary action, however, commission of minor civil traffic moving violations are excluded.

19. Costs

Respondent shall bear all costs of complying with this Order.

20. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's employer of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after

affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

21. Voluntary Surrender of License


Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

22. Completion of Probation

Upon successful completion of the terms of probation, Respondent shall request formal review by the Board, and after formal review by the Board, Respondent's nursing license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL



Joey Ridenour, R.N., M.N.  
Executive Director

Dated: January 25, 2007

JR/PGW:bs

COPY mailed this 8<sup>th</sup> day of February 2007, by First Class Mail, to:

Deborah Pierce  
11400 Rosebud Bend Lane, #266  
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By: Brent Sutter  
Legal Secretary